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6 UNITED STATES DISTRICT COURT  
7 SOUTHERN DISTRICT OF CALIFORNIA  
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9 UNITED STATES OF AMERICA, )  
10 Plaintiff/Respondent, )  
11 v. )  
12 RONALD LIQUORI, SR. (1), )  
13 Defendant/Petitioner. )  
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Case No. 90CR1181-L

**ORDER DISMISSING  
MOTION AS MOOT**

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17 Petitioner filed a Motion to Reduce Sentence pursuant to 18 U.S.C. § 3582(c)(2)  
18 requesting that his sentence be reduced from a life sentence to thirty years based on  
19 Amendment 371. (Mot. 8 [ECF NO 577]). Upon the Court's request, Federal  
20 Defenders of San Diego filed supplemental briefing in support of Petitioner's motion,  
21 arguing that although Petitioner filed his motion under section 3582, it was more  
22 properly characterized as a motion to vacate, set aside, or reduce sentence pursuant to  
23 28 U.S.C. § 2255. (Supp. Brief. at 5-6).

24 The Government opposed the section 2255 motion on both substantive and  
25 procedural grounds, contending in part that the Court should deny the petition because  
26 it was Petitioner's sixth section 2255 motion, and the Ninth Circuit had not granted  
27 Petitioner the right to file another section 2255 petition. (Gov't Oppo at 9).  
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1 On March 15, 2018, the Government filed a Motion to Dismiss the section 2255  
2 motion as moot because Petitioner passed away on September 8, 2017. In light of  
3 Petitioner's death, it is immaterial whether the Court construes the motion as one  
4 brought pursuant to section 3582 to reduce his sentence, or under section 2255 to  
5 vacate the sentence, as neither form of relief may be granted. *Griffey v. Lindsey*, 349  
6 F.3d 1157 (9<sup>th</sup> Cir. 2003); *United States v. Strong*, 489 F.3d 1055, 1059 (9<sup>th</sup> Cir. 2007).  
7 Accordingly, the Court **DISMISSES** Petitioner's motion as moot.

8 **IT IS SO ORDERED.**

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10 Dated: March 16, 2018

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12 Hon. M. James Lorenz  
13 United States District Judge  
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